

MAY 28 1998



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May 26, 1998

Lester Snow, Executive Director
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Re: Draft Programmatic EIS/EIR(PEIS)

Dear Mr. Snow:

The CALFED Bay-Delta Program released their Draft Programmatic EIS/EIR (PEIS) for public review on March 16, 1998. The program is seeking public input on potential solutions to the environmental and water management problems of the California Bay-Delta system outlined in this draft document. The public review period is currently scheduled to end on June 1, 1998.

The County of Butte submits the following comments on the draft programmatic EIR/EIS for your review and incorporation into the program solution. The County chose not to provide detailed technical comments on the deficiencies of the draft document, but rather concentrates on pointing out how the program itself, as outlined in the draft PEIS, has the potential to negatively impact the County's infrastructure and economic tax base.

STORAGE

The PEIS provides for opportunities for new storage both above and below the Delta to enhance timing and flow management to more effectively and efficiently satisfy urban, agricultural and environmental beneficial users. The upper range for potential new storage considered for evaluation in the PEIS is six million acre feet, including up to three million acre feet of surface storage above the Delta.

The County of Butte encourages the CALFED program to not only evaluate, but actually begin construction of additional storage both above and below the Delta. Additional storage provides for

greater control of flows necessary for improved fisheries, but also provides for enhanced flood protection during extreme flood events. When excess surface waters are controlled closer to their area of origin, significant damaging impacts down stream can be prevented. Additional storage for flood control is essential to ensure public safety for the citizens of Butte County.

In addition, increased surface storage provides for new water supplies, not a reallocation of existing supplies from one area to another. Increasing surface water supply will enhance greater protection of our groundwater supply and not adversely impact the economic viability of those local communities reliant on existing local water supplies.

Additional storage increases flexibility and control of releases for fish flow requirements as well as storage for flood control. Also, the creation of new storage above the Delta helps increase water supply reliability by developing new water supplies which are imperative for the viability of the entire state. The CALFED program must provide assurances to the people of the north state that they will begin construction of the proposed additional storage above the Delta as soon as possible and not merely continue to evaluate this option during Phase II and Phase III of the program as proposed. The County of Butte insists that additional storage, both above and below the Delta, be a required component of the CALFED Bay-Delta solution and that representative from the Sacramento Valley be involved in the firm scheduling of construction for these facilities.

WATERSHED MANAGEMENT

The CALFED Bay-Delta Watershed Management Strategy is one element of the long-term comprehensive plan to restore ecological health and improve water management for beneficial uses of the Bay-Delta ecosystem. CALFED proposes providing funding and technical assistance in the implementation of watershed programs and projects consistent with the CALFED goals and objectives.

While the PEIS states that this will be carried out through consensus building and cooperative programs involving federal, state and local government agencies, the County of Butte is concerned that local governmental interests are not being properly sought and considered. CALFED must not confuse working with local watershed conservancies with obtaining local government cooperation. These groups may represent only a very small portion of the total population of a county.

As the elected representatives of the people, local government needs to take its place at the consensus building table for watershed management programs to be successful. Unlike many watershed conservancies, elected officials represent, and are accountable to, all of the citizens of the county. In addition, their actions are required to be public and provide ample opportunity for public input under the mandates of the Brown Act. This process ensures that everyone has an opportunity to participate in, or at least be aware of, projects or programs that have the potential to impact their economy or quality of life.

As the elected representatives of the citizens, the County of Butte requests an elevated role for local government in the watershed management portion of the CALFED Bay-Delta program and oversight of projects that have the potential of impacting our citizenry. If the CALFED Bay-Delta program truly is seeking local input, they should honor this request and encourage participation by representatives of local

governments and require all future projects to coordinate with their local governments regarding projects before funding is released.

ECO-SYSTEM RESTORATION PROGRAM (ERP)

The County of Butte is concerned about the Eco-system Restoration Program which focuses on the restoration of ecological processes associated with stream flow, stream channels, watersheds and flood plains.

Specifically, the County of Butte questions the viability of the proposed "river meander". The PEIS discusses setting back agricultural levees to promote and accommodate the natural meander of the river. Implementation of this proposed element of the program would result in taking up to 15,000 acres entirely out of agriculture production from the Chico Landing to Red Bluff. In addition, you are proposing the creation of meander easements which will result in changing cropping patterns from orchards to low production row crops. This is an unacceptable loss and/or misuse of prime agricultural land in our county.

Although CALFED proposes to create this meander zone through the acquisition of land from willing sellers, the PEIS fails to adequately assess the associated impact on the local economy and tax base associated with taking these lands out of production. Even if this property loss provides for compensation to landowners, county services will still be negatively impacted by the loss of the associated tax revenue. This loss of revenue to the local economy will reduce our ability to fund health, safety and welfare programs for our citizens.

In addition, the creation of a river meander through acquisition of land from willing sellers has the potential of leaving pockets of land that may still be in production at an increased risk for damage from future flood events. This concept leaves the County of Butte with the burden of providing increased services in emergency flood situations with a reduced economic tax base available to the county general fund. This is unacceptable to the County of Butte.

Also, in the discussion regarding the concept of establishing a river meander corridors, CALFED proposes eliminating bank protection, bridge piers and bridge abutments. Bank protection measures are essential to maintain river flows through existing bridge structures. Allowing the river to meander around a bridge will require an expansion or replacement of the bridge.

Bridges and roads are essential for public safety and the transportation of commerce for the citizens of our county. The approach outlined in the PEIS has the potential of costing the County of Butte millions of dollars for associated infrastructure construction costs. In addition, it could take several years to gain approval and secure funding for these projects. All proposed meander belts must include site-specific analysis and mitigation of impacts for existing public roads and bridges within the designated zones. In addition, any future redesign of public roads and bridges must be accompanied by the funding necessary for all associated design and construction.

Also, the County of Butte insists that future bridge designs incorporate protections for flood relief structures, pumping plants, fish screens, stream gages and by-passes. Millions of dollars have been spent or allocated for pumping plant redesign and fish screens to accommodate the life cycle of various fish

species. CALFED must be prudent in their evaluation of the meander zone to provide the necessary funding to protect these facilities as well as the infrastructure discussed above. An all encompassing evaluation is necessary before CALFED can justify the river meander concept.

Another concern of the County of Butte is with potential well contamination associated with the creation of the river meander corridor. Widening the corridor increases the potential for well contamination. Well-head protections will be required to be intensified and the associated costs cannot be placed at the feet of local government. CALFED must assume all financial responsibility associated with all aspects of their program.

In addition, the County of Butte suggests that the ERP be divided into several sequential sub-components such as data collection, data analysis, project design and implementation. Funding not allocated to a specific high priority clean up project should not be dispersed until a sufficient body of data is available to complete an adequate cost/benefit analysis of all proposed competing projects. We caution against the disbursement of monies for restoration projects in a piecemeal fashion without adequate data to substantiate them.

It is imperative that CALFED assess all potential impacts associated with the creation of the river meander zone. The potential economic and public safety impacts could be devastating to local rural governments such as the County of Butte. The PEIS is inadequate in addressing associated negative impacts to our local economy that will result in the reduction of our ability to provide adequate health, safety and welfare programs for our citizenry. Further, restoration funding should be linked to sufficient data regarding the potential benefits of competing projects.

AREA OF ORIGIN WATER RIGHTS

The County of Butte is very concerned that Area of Origin water rights are not being considered as provided for in the California Water Code. Area of Origin statutes were designed to protect the rights to water in watersheds where the water originates. Butte County, having both the Butte Basin and Lake Oroville, is the Area of Origin for much of California's water supply.

The CALFED Bay-Delta program proposes to support the concept of Area of Origin water rights. The County of Butte encourages this approach and requests that CALFED work with local governments such as the County of Butte to ensure proper management of our water resources by incorporating the use of local policies contained in general plans and zoning ordinances into the Bay-Delta solution.

In addition, Butte County voters passed a groundwater protection ordinance in November 1996. Any policies developed by CALFED need to abide by this voter mandate which was developed to protect local groundwater supplies. Any conjunctive use/groundwater banking program developed by CALFED must contain a formal agreement between local, state and federal agencies to ensure that local supplies are not diminished and that local ordinances are upheld.

The County of Butte requests that the CALFED program provide for local control and abide by Area of Origin water rights. Preserving our current water supply is essential for the rich quality of life and continued economic success within Butte County and throughout northern California.

CVPIA INTERACTION

The CALFED Bay-Delta program PEIS provides for interactive implementation with other projects such as the Central Valley Project Improvement Act (CVPIA). The County of Butte believes that this program does not consider Area of Origin water rights when reducing diversions to meet target flows for enhanced fisheries.

CVPIA policies ignore the underlying watershed protection principles outlined in the California Water Code when implementing their (b)(2) Water Management Plan which could prove to be disastrous for agriculture in the County of Butte. The (b)(2) Water Management plans could reduce deliveries to agricultural water service contractors by as much as 100 percent of their allocation in some water years.

The total water supply in Butte County is provided through a combination of surface water deliveries and groundwater pumping. CVPIA provides for increased groundwater pumping in Butte County and throughout the Sacramento Valley to compensate for decreased surface water supplies. Changes proposed by CVPIA operations reducing the surface water supplies would force agriculture to turn to groundwater pumping. Preserving the current water supply is essential for continued agricultural success within Butte County and throughout northern California. The assumption by CVPIA that local groundwater resources will always be available to supplement lost surface water supplies has not been substantiated.

The County of Butte encourages the CALFED Bay-Delta program to carefully assess the impacts of the CVPIA program on local economies and water supplies when assessing interactive implementation with this program. The type of water management proposed in the CVPIA PEIS would result in agricultural land fallowing and higher water costs. In addition, the reduced net farm income would have a direct impact on the county tax base and therefore associated county-funded services.

CONCLUSIONS

The County of Butte understands that the CALFED Bay-Delta Program is one of the largest restoration and water management programs in the world. Its purpose is to develop and implement a long-term comprehensive plan that will restore health and improve water management for beneficial uses of the Bay-Delta system. The Delta is the primary source of fresh water to two-thirds of the state's 32 million residents and the foundation of California's agriculture industry, irrigating 45 % of the nation's produce. In addition, it is the home of extensive environmental diversity, supporting more than 750 plant and animal species. This diversity adds to the scope of the task at hand and makes it imperative that the CALFED Bay-Delta Program is successful.

The County of Butte is concerned about the intended use of the PEIS and how specific implementation actions will move forward. The County of Butte protests the use of this draft environmental document as the basis for setting future environmental policy. The data and analysis provided in the PEIS do not provide the necessary level of detail. The programmatic analysis is inadequate and should be augmented by a more site-specific analysis which discusses in depth the potential associated negative impacts.

CALFED is reminded of their solution principles:

- Reduce Conflicts in the System
- Be Equitable
- Be Affordable
- Be Durable
- Be Implementable
- Have No Significant Redirected Impacts

If the CALFED Bay-Delta Program abides by these solution principles, they will have met the requests outlined in this letter. All proposed projects must adhere to these principles and protect all the citizens of California for the program to be successful.

The County of Butte wishes to have input into the CALFED Bay-Delta program because it has the potential to impact the health and safety of our residents as well as the local economy. Please review the preceding comments and incorporate our concerns into the CALFED Bay-Delta solution.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Davis", with a large, stylized loop at the end.

Fred Davis, Chair
Butte County Board of Supervisors

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